REVENUE SECRETARIAT

NOTIFICATION

Bangalore, dated 21th September 1971.

G. S.R. 328.—The draft of the following rules further to amend the Mysore Land Revenue Rules, 1966, which the Government of Mysore propose to make in exercise of the powers conferred by Section 197 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), is hereby published as required by sub-section (1) of the said Section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 5th November 1971.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Commissioner for Land Reforms and *Ex-Officio* Secretary to the Government, of Mysore, Revenue Department, Post Box No. 349, Vidhana Soudha, Bangalore-1.

Draft Rules

1. Title and commencement.—(1) These rules may be called the Mysore Land Revenue (Second Amendment) Rules, 1971.

(2) They shall come into force at once.

2. Amendment of rule 113.—After sub-rule (5) of rule 113 of the Mysore Land Revenue Rules, 1966 (hereinafter referred to as the said rules), the following sub-rule shall be inserted, namely:—

"(6) The proclamation of sale and notice in that behalf shall be in Form 38".

3. Omission of rule 114.—Rule 114 of the said rules shall be omitted.

4. Amendment of rule 115.— In Rule 115 of the said rules, the words "where the forfeiture is intended not for the purpose of sale but for taking possession and otherwise disposing of the holding, the previous sanction of the Divisional Commissioner shall be obtained in each case" shall be omitted.

5. Omission of rule 116.—Rule 116 of the said rules shall be omitted.

6. Amendment of rule 120.— In rule 120 of the said rules,—

(i) in sub-rule (1), the words "and orders" shall be omitted; and

(ii) sub rule (2) shall be omitted.

7. Amendment of rule 128.—In the heading to rule 128 of the said rules, the words "forfeited" shall be omitted.

8. Substitution of new Form for Form 38.—For Form-38 of the said rules, the following Form shall be substituted, namely:—

FORM 38

(Rules 113 and 124)

1. Form of proclamation and Written notice of Sale of attached property.

WHEREAS the property of Shri/Smt..... hereunder specified has been attached on account of the land revenue assessment of Rs..... ....due by the said..... ....and whereas it is necessary to recover the said amount by sale of the below mentioned property, together with all lawful charges and expenses resulting from the said attachment and sale.

NOTICE is hereby given that on the.....day of.....19 at.....O'Clock the Tahsildar of.....(or other person appointed) will at..... .....in.....Taluk.....District sell by auction subject to the conditions mentioned below to the highest bidder and without reserve, the right, title and interest of the said ....in the property hereunder specified and every power of disposing of the same or any of them or of the profits arising therefrom which the said.....may now consistantly with the law exercise for his own benefit.

MOVEABLE PROPERTY.

Lot No.	No. and Description of articles.	Where attached	Where now placed.	Where to be viewed.	Whether the sale is subject to confirmation.
1	2	3	4	5	6

IMMOVEABLE PROPERTY

Lot No.	Description of lot including Local situation supposed or estimated rent or annual value and if leased, for how long on what terms and to whom	Sy. No. Municipal No. & other fiscal designation.	Govt. Revenue including any local cess, any other known fiscal charge resting on the lot.	Present occupant.	Other particulars.
1	2	3	4	5	6

CONDITIONS OF SALE

(1) The sale shall be held on the day fixed and if necessary continued from day-to-day (except closed holiday) until all the crops as specified in this proclamation have been sold. The Officer conducting the sale may however in his discretion, adjourn any sale for a period not exceeding three days.

(2) That the party entitled to the payment of money for the recovery of which the sale of immoveable property is held shall not be allowed to bid for or purchase the property without the permission of the Deputy Commissioner

(3) If the party entitled to the payment of money for the recovery of which the sale of immovable property is held, purchases by himself or through another person without permission of the deputy Commissioner, the Sub-Division Assistant Commissioner may if he thinks fit on the application of the defaulter or any other person whose interests are affected by the sale, by order set aside the same; and the costs of such application and order and any deficiency of price which may happen on the re-sale and all expenses attending it shall be paid by the party at whose instance the sale had been originally held.

(4) No Officer having any duty to perform in connection with any sale by auction and no person employed by or Subordinate to such Officer shall directly or indirectly bid for or acquire any property.

(5) The Officer conducting the sale shall have the discretion to accept or reject the highest bid.

(6) If there are no bidders on the date of sale, the property may be purchased by Government.

(7) The party declared to be purchaser of the immoveable property should deposit immediately 25 per cent of the amount of bid and balance within 15 days. In case of moveable property the entire amount of bid should be deposited immediately after his declaration as purchaser.

(8) (a) In case of failure in depositing the amount of bid mentioned in condition-6, the property will be put for re-sale and the expenses incurred in connection with the first sale as well as any deficiency of price which may happen on a re-sale by reason of the purchaser's default and all expenses incurred in connection with the re-sale shall be recovered from the defaulting purchaser as an arrear of Land Revenue.

(b) In default of the payment of the balance of bid amount within the period specified in condition 6 by the purchaser of immoveable property, the deposit (made towards 25 per cent) after defraying therefrom expenses of the sale shall be forfeited to Government and the property will be re-sold.

(9) The sale is subject to confirmation by the Deputy Commissioner.

(10) In case sale is set aside the amount deposited by the purchaser will be refunded.

(11) A certificate of purchase will be issed in the name of successful bidder after the sale is confirmed.

(12) The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue for any period prior to the date of sale.

9. Amendent of Form 39.—In Form 39 of the said rules, the figures and brackets " 120 (2) ", shall be omitted.

[No. RD 28 ELR 68.].

By Order and in the name of the President of India,

M. A. AZIZ FAROOQUI,
Under Secretary to Government,
Revenue Department.

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